

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 6<sup>TH</sup> DAY OF AUGUST 2010

BEFORE

THE HON'BLE MR.JUSTICE MOHAN SHANTANAGOUDAR

WRIT PETITION Nos.20643-645/2010 (GM-RES)

BETWEEN:

Karnataka Public Service Commission  
Represented by its Secretary  
Udyogasoudha,  
Bangalore – 560 001. ... PETITIONER

(By Sri. Reuben Jacob & Sri. D.P.Mahesh, Advs.)

AND:

1. Sri. B.S.Suresh Jain  
R/at No.48, 'Akshaya',  
2<sup>nd</sup> Main, 5<sup>th</sup> Cross,  
Athmiya Geleyara Balaga Layout,  
Behind Janapriya Nivas Apartments,  
Hesaragatta Main Road,  
Bangalore – 560 090.
2. The Karnataka Information Commission  
Gate No.2, 2<sup>nd</sup> and 3<sup>rd</sup> Floor,  
M.S.Buildings,  
Bangalore – 560 001.  
By its Secretary. .... RESPONDENTS

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These writ petitions are filed under Article 226 and 227 of the Constitution of India praying to quash common order dated 4.6.2010 passed by the Karnataka Information Commissioner in KIC 2287 PTN 2009, KIC 2288 PIN 2009 and KIC 659 PTN 2008 filed by the 1<sup>st</sup> respondent herein vide Annexure - 'A' and etc.

These petitions are coming on for Preliminary Hearing this day, the Court made the following:-

### **ORDER**

The 1<sup>st</sup> respondent has sought for certain information by filing applications under the Right to Information Act, 2005 (for short 'the Act') from the petitioner herein.

2. According to the petitioner, the 1<sup>st</sup> respondent was an employee of the petitioner - Public Service Commission and was compulsorily retired from service on 23.10.1991 on the basis of Lokayuktha Enquiry Report. The 1<sup>st</sup> respondent submitted nearly 80 applications under the Act seeking information totally unrelated to him and in respect of each and every aspects of functioning of the Commission. In view of the aforementioned conduct of

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the 1<sup>st</sup> respondent, the petitioner black-listed the 1<sup>st</sup> respondent and consequently refused to give information to the 1<sup>st</sup> respondent. The 1<sup>st</sup> respondent filed an appeal before the 2<sup>nd</sup> respondent questioning the said action of the petitioner. The 2<sup>nd</sup> respondent has passed an order as per Annexure - 'A' dated 04.06.2010 directing the petitioner to furnish information to the 1<sup>st</sup> respondent. The order at Annexure - 'A' is under challenge.

3. This Court does not find any error in the order at Annexure - 'A'. It is not in dispute that the information sought for by the 1<sup>st</sup> respondent from the petitioner does not fall within the exemption contemplated under Section 8 of the Act. It is so, it is obligatory on the part of the petitioner to furnish the information to the 1<sup>st</sup> respondent in accordance with law. Merely because the 1<sup>st</sup> respondent has made repeated applications seeking information, he cannot be avoided by black-listing him. Such a procedure is erroneous. In view of the same, the 2<sup>nd</sup> respondent has



rightly directed the petitioner to furnish the information to the 1<sup>st</sup> respondent. This Court does not find any ground to interfere in the impugned order.

Petitions fail and the same are **dismissed**.

Sd/-  
JUDGE

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